

Testimony of David P. Kelly
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Before the U.S. House Subcommittee on Economic Development, Public Buildings
and Emergency Management
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***“Proposed Amendments to and Reauthorization of
the National Dam Safety Program Act”***

Chairman Shuster, Ranking Member Norton, distinguished Members of the Subcommittee, my name is David Kelly. I am present today to connect you with a small community that is reaching out to take on the responsibility of maintaining, rebuilding and ultimately taking ownership of a local “hidden” public threat, an Earthen Dam.

Throughout these United States, we have hundreds of thousands of earthen structures holding back billions of cubic gallons of water. These dams were built for many reasons: community drinking water reservoirs, energy production, flood mitigation, recreational usage, amongst others. And while their benefits are well known, the danger of their potential failure is overwhelming local communities like mine in Dutchess County all across this country.

For the past eight years, Pawling residents have been working towards sustaining their quality of life while accepting the demanding responsibility of ownership of a Dam that was built in 1847. The Whaley Lake Dam was built by the owners of a hat and dye factory some 7 municipalities downstream on the historic Hudson River. The waters it holds were used to control the high and low levels of the stream which provided flow to the factory to turn its water wheel, machines, mills and, in the early 1900s, a generator. Because of its age and its deteriorating condition, the dam, and the 1.2 billion gallons of water it holds back, poses a risk to our community.

For eight years, homeowners and public officials have been working jointly on this effort. Because the 159-year old Dam has no owner of record, the property has been taken by the local County for non-payment of taxes. The New York State Department of Environmental Conservation (NYSDEC), following a 1998 assessment of the dam’s condition as “unsound,” has recently considered breaching the dam. State, County and Town officials, along with the homeowners, continue to work together to resolve the entire legal logistic nightmare.

Concerns have continued to surface through discussions on how to: maintain the current quality of life, maintain the value of their home, maintain the value of assessment of the entire local municipality (both Town and County), maintain the recreation and tourism vitality, and reduce the environmental effects if this lake were to be drained.

Thousands of privately-donated dollars and personal hours have been devoted to this project to date. Design proposals have been drawn up, maps have been designed, public informational meetings have been held, and we’ve asked for the assistance of our state agencies. The entire Pawling community is taking charge and trying to move forward.

But they have taken things nearly as far as they can go without help. Pawling and Dutchess County need assistance to relieve this financial burden that will cost millions of dollars to merely repair and rebuild only portions of the original dam structure.

That's where the federal government plays a critical role. Local communities like the Town of Pawling simply do not have the resources to pay for necessary improvements to rehabilitate dams like the one on Whaley Lake. I hope that as the Congress and this Subcommittee considers reauthorizing the Dam Safety Program, that it will include a program to assist states and communities to repair and rehabilitate deficient dams.

H.R. 1105, introduced by my Congresswoman who is present here today, Sue Kelly, would provide \$350 million over four years for the dam repair and rehabilitation program. Such funds would go a long way in preventing disasters like the ones we saw in Hawaii earlier this year.

Chairman Shuster, Ranking Member Norton, this is a mere glimpse of one small community's struggle with an unsound dam. As Congress continues to examine the Dam Safety Program, we must consider that maintenance must be performed on all structures which are built. Communities will need to know that a Program exists to allow for relief from the burden of taking ownership of a hazardous dam.

I once again thank the Subcommittee for allowing me to testify today and I look forward to your questions.